

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**VIRNETX INC., and  
LEIDOS, INC.,** §  
§  
§  
**Plaintiffs,** §  
§  
§  
v. §  
§  
§  
**APPLE INC.,** §  
§  
§  
**Defendant.** §  
§

**No. 6:12-cv-00855-RWS**

**JURY TRIAL DEMANDED**

**JOINT SUBMISSION OF JURY MATERIALS**

Pursuant to this Court's Docket Control Order, Plaintiff VirnetX Inc. ("VirnetX") and Defendant Apple Inc. ("Apple") hereby submit the following jury materials:

Attached as **Exhibit A** hereto are VirnetX's and Apple's Joint Proposed Preliminary Jury Instructions related to liability and damages, with bracketed and highlighted individual proposals and footnoted objections and comments.

Attached as **Exhibit B** hereto are VirnetX's and Apple's Joint Proposed Final Jury Instructions related to liability and damages, with bracketed and highlighted individual proposals and footnoted objections and comments.

Attached as **Exhibit C** hereto are VirnetX's and Apple's Joint Proposed Preliminary Jury Instructions related to willfulness, with bracketed and highlighted individual proposals and footnoted objections and comments.

Attached as **Exhibit D** hereto are VirnetX's and Apple's Joint Proposed Final Jury Instructions related to willfulness, with bracketed and highlighted individual proposals

and footnoted objections and comments.

Attached as **Exhibit E** hereto is VirnetX's Proposed Verdict Form related to liability and damages.

Attached as **Exhibit F** hereto is VirnetX's Proposed Verdict Form related to willfulness.

Attached as **Exhibit G** hereto is Apple's Proposed Verdict Form related to liability and damages.

Attached as **Exhibit H** hereto is Apple's Proposed Verdict Form related to willfulness.

The parties reserve the right to amend, supplement, or modify these proposed jury materials as the case proceeds toward the final pretrial conference and trial, and as the parties continue to meet and confer regarding these materials. Additionally, the parties do not waive any objections to issues that are the subject of pending or anticipated motions, including *Daubert* motions, motions to strike, motions for summary judgment, and motions *in limine*.

DATED: March 7, 2018

Respectfully submitted,

**CALDWELL CASSADY & CURRY**

/s/ Bradley W. Caldwell

Bradley W. Caldwell  
Texas State Bar No. 24040630  
Email: bcaldwell@caldwellcc.com  
Jason D. Cassady  
Texas State Bar No. 24045625  
Email: jcassady@caldwellcc.com  
John Austin Curry  
Texas State Bar No. 24059636  
Email: acurry@caldwellcc.com  
Daniel R. Pearson  
Texas State Bar No. 24070398  
Email: dpearson@caldwellcc.com  
Hamad M. Hamad  
Texas State Bar No. 24061268  
Email: hhamad@caldwellcc.com  
Justin T. Nemunaitis  
Texas State Bar No. 24065815  
Email: jnemunaitis@caldwellcc.com  
Christopher S. Stewart  
Texas State Bar No. 24079399  
Email: cstewart@caldwellcc.com  
John F. Summers  
Texas State Bar No. 24079417  
Email: jsummers@caldwellcc.com

Warren J. McCarty, III  
Illinois State Bar No. 6313452  
Email: wmmccarty@caldwellcc.com

**CALDWELL CASSADY CURRY P.C.**  
2101 Cedar Springs Road, Suite 1000  
Dallas, Texas 75201  
Telephone: (214) 888-4848  
Facsimile: (214) 888-4849

Robert M. Parker  
Texas State Bar No. 15498000  
Email: rmparker@pbatyler.com  
R. Christopher Bunt  
Texas State Bar No. 00787165  
Email: rcbunt@pbatyler.com  
Charles Ainsworth

Texas State Bar No. 00783521  
Email: charley@pbatyler.com  
**PARKER, BUNT & AINSWORTH, P.C.**  
100 East Ferguson, Suite 1114  
Tyler, Texas 75702  
Telephone: (903) 531-3535  
Telecopier: (903) 533-9687

T. John Ward, Jr.  
Texas State Bar No. 00794818  
Email: jw@wsfirm.com  
Claire Abernathy Henry  
Texas State Bar No. 24053063  
Email: claire@wsfirm.com  
**WARD, SMITH & HILL, PLLC**  
1507 Bill Owens Parkway  
Longview, Texas 75604  
Telephone: (903) 757-6400  
Facsimile: (903) 757-2323

**ATTORNEYS FOR PLAINTIFF VIRNETX  
INC.**

/s/ Joseph A. Loy (by permission)

Gregory S. Arovas  
greg.arovas@kirkland.com  
Robert A. Appleby  
robert.appleby@kirkland.com  
Jeanne M. Heffernan  
jeanne.heffernan@kirkland.com  
Joseph A. Loy  
joseph.loy@kirkland.com  
**KIRKLAND & ELLIS LLP**  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900

Michael E. Jones, Lead Attorney  
Texas Bar No. 10969400  
mikejones@potterminton.com  
**POTTER MINTON**  
A Professional Corporation  
110 N. College Avenue, Suite 500  
Tyler, Texas 75702

Telephone: (903) 597-8311  
Facsimile: (903) 593-0846

**ATTORNEYS FOR DEFENDANT,  
APPLE INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on this 7<sup>th</sup> day of March, 2018. Local Rule CV-5(a)(3)(A).

/s/ Bradley W. Caldwell  
Bradley W. Caldwell